

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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In Re

LUIS ALBERT CRESPO and ELENA  
CRESPO a/k/a HELEN CRESPO,

Chapter 7

Case No. 12-45067-nhl

Debtors.

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JOHN S. PEREIRA, as Chapter 7 Trustee for  
The Estate of Luis Albert Crespo and Elena  
Crespo a/k/a Helen Crespo,

Plaintiff

Adv. Pro. No. 14-01029-nhl

-against-

SAM BERK, individually, DANIEL CRESPO,  
Individually, ELITE PROCESS SERVERS,  
INC., LUIS ALBERT CRESPO d/b/a LAC  
PROCESS and DANIEL CRESPO d/b/a  
LAC PROCESS,

**AMENDED ANSWER**

Defendant.

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DANIEL CRESPO, individually and DANIEL CRESPO d/b/a LAC PROCESS, by his  
attorneys, Macco & Stern, LLP, as and for his Amended Answer to the Complaint, alleges as  
follows:

First: Denies each and every allegation contained in paragraphs “6”, “9”, “22”, “23”,  
“24”, “26”, “27”, “28”, “29”, “30”, “31”, “32”, “33”, “34”, “35”, “36”, “37”, “38”, “39”, “40”,  
“41”, “42”, “43”, “44”, “45”, “46”, “47”, “48”, “49”, “50”, “51”, “52”, “53”, “54”, “55”, “56”,  
“57”, “58”, “59”, “60”, “61”, “62”, “63”, “64”, “65”, “66”, “67”, “68”, “69”, “70”, “71”, “72”,  
“73”, “74”, “75”, “76”, “77”, “78”, “79”, “80”, “81”, “82” and “83” of the Complaint.

Second: Denies knowledge and information sufficient to form a belief as to paragraphs “4”, “11”, “12”, “13”, “18”, “19”, and “25” of the Complaint.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

Third: Any liability due Luis Albert Crespo in the Bankruptcy Estate of Luis Albert Crespo from the defendant Daniel Crespo was discharged in the Chapter 7 Bankruptcy of Daniel Crespo.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE**

Fourth: The Court lacks jurisdiction over the defendant Daniel Crespo.


**AS AND FOR A THIRD AFFIRMATIVE DEFENSE**

Fifth: The statute of limitations has expired.

WHEREFORE, Defendants request judgment dismissing the Complaint; that Defendants have judgment against Plaintiff for the costs and reasonable attorneys’ fees of this proceeding; and for such other and further relief as is just and proper.

Dated: Melville, New York  
May 14, 2014

BY:



\_\_\_\_\_  
Michael J. Macco  
MACCO & STERN, LLP  
Attorneys for Defendants  
DANIEL CRESPO and  
DANIEL CRESPO d/b/a  
LAC PROCESS  
135 Pinelawn Rd, Suite 120 South  
Melville, New York 11747  
631-549-7900

STATE OF NEW YORK     )  
                                      )  
COUNTY OF SUFFOLK     )     ss.:

Carol Smith, being duly sworn, deposes and says: deponent is not a party to the action, is over 18 years of age and resides at West Islip, New York.

On May 14, 2014 deponent served true copies of the following:


**AMENDED ANSWER**

upon the following parties, at the addresses designated by said parties for that purpose, by depositing a true copy of same, enclosed in a post-paid properly addresses wrapper in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York:

*Troutman Sanders LLP  
The Chrysler Building  
405 Lexington Avenue  
New York, NY 10174*

*John S. Pereira, Trustee  
Pereira & Sinisi  
The Chrysler Building  
405 Lexington Avenue  
New York, NY 10174*

*Office of the U.S. Trustee  
U.S. Federal Office Building  
201 Varick Street, Suite 1006  
New York, New York 10014*

  
\_\_\_\_\_  
Carol Smith

Sworn to before me this  
14<sup>th</sup> day of May, 2014

s/Janine M. Zarrilli  
Janine M. Zarrilli  
Notary Public, State of New York  
No. 01ZA5084708  
Qualified in Nassau County  
Commission Expires September 8, 2018